

Message Text

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C O N F I D E N T I A L STATE 104835

FOLLOWING TEL SENT ACTION SECSTATE INFO TEL AVIV, USUN NEW YORK FROM GENEVA APRIL 29:

QUOTE C O N F I D E N T I A L GENEVA 3241

E.O.11652: GDS

TAGS: ICRC, PARM, PFOR

SUBJECT: DIPLOMATIC CONFERENCE ON INTERNATIONAL HUMANITARIAN LAW - ISSUES OF CONCERN TO ISRAEL

REFS: STATE 95850; STATE 93311

1. DURING LUNCH TODAY BETWEEN ALDRICH AND ROSENNS (ISRAIL), PROBLEMS CONCERNING GUERRILLAS APPEAR TO HAVE BEEN RESOLVED. ROSENNE, APPRECIATED OUR DETAILED VIEWS ON PROPER INTERPRETATION OF ARTICLE 42 AND SEEMED GREATLY RELIEVED TO LEARN THAT ALDRICH INTENDS TO STATE THESE INTERPRETATIONS FOR THE RECORD DURING FINAL PLENARIES. IN PARTICULAR, ROSENNE ATTACHEES IMPORTANCE TO STATEMENT WE PROPOSE TO MAKE POINTING OUT REASONS WHY THE ARTICLE DOES NOT PROMOTE TERRORISM AND WHY IT GIVES NO PROTECTION TO TERRORIST GROUPS THAT, AS A CONSISTENT POLICY, IGNORE THE LAWS OF

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WAR. THIS LATTER STATEMENT WILL POINT TO THE REQUIREMENT IN ARTICLE 41 THAT THE ARMED FORCES OF ANY PARTY TO A CONFLICT MUST HAVE A DISCIPLINARY SYSTEM THAT ENFORCES RESPECT FOR THE LAWS OF WAR.

2. ROSENNE CONFIRMED THAT ONLY ISSUE REMAINING BEFORE COMMITTEES OF DEEP INTERST TO ISRAEL IS QUESTION OF

RECOGNITION OF RED SHIELD OF DAVID (ISRAELI EQUIVALENT OF RED CROSS) WHICH ISRAEL HAS PROPOSED AND WHICH IS LAST ISSUE ON AGENDA OF COMMITTEE I. IT WILL PROBABLY BE REACHED DURING WEEK BEGINNING MAY 9.

3. ROSENNE SAID THAT DECISION TO INTRODUCE ARTICLE ON RECOGNITION OF RED SHIELD HAD BEEN TAKEN SEVERAL YEARS AGO AT THE HIGHEST LEVELS OF THEIR GOVERNMENT. ALTHOUGH HE PRESENTLY EXPECTS TO PRESS THE ISSUE TO A VOTE IN COMMITTEE I, HE ACKNOWLEDGED THAT THIS TACTIC COULD BE RECONSIDERED, PARTICULARLY WITH A NEW ACTING PRIME MINISTER IN OFFICE AND WITH ISRAELI ELECTIONS OCCURRING THE WEEK AFTER THE VOTE IN GENEVA. FROM THIS, WE CONCLUDE THAT FINAL DECISION WHETHER TO PRESS FOR VOTE WILL BE MADE IN TEL AVIV LATE NEXT WEEK AFTER RECEIVING ROSENNE'S VOTE COUNT AND RECOMMENDATION.

4. ALDRICH POINTED OUT THAT, QUITE APART FROM RISKS POSED TO DE FACTO RESPECT FOR RED SHIELD, A RISK ROSENNE DISCOUNTS, THE MORE IMPORTANT EFFORTS TO CREATE A CLIMATE OF OPINION IN THE MIDDLE EAST CONDUCIVE TO PEACE WOULD NOT BE AIDED BY PRESSING FOR A VOTE WHICH ISRAEL WAS CERTAIN TO LOSE BY AN OVERWHELMING MARGIN. HOWEVER, ALDRICH MADE CLEAR THAT WE RECOGNIZE THIS IS A DECISION WHICH ONLY GOI CAN TAKE AND, IF THEY DECIDE TO PRESS THE ISSUE TO A VOTE, THEY CAN BE ASSURED OF OUR SUPPORT.

5. IT IS OUR BELIEF, ON WHICH EMBASSY TEL AVIV WOULD BE
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MORE QUALIFIED TO COMMENT, THAT ROSENNE MAY SEE SOME DOMESTIC POLITICAL ADVANTAGE IN ISRAEL IN PRESSING THIS QUESTION TO A VOTE AT THE CONFERENCE. CERTAINLY AS A MATTER OF INTERNATIONAL REACTION, IT CANNOT BE IN EITHER ISRAEL'S INTEREST OR U.S. INTEREST TO HAVE SUCH A VOTE.

6. EARLY NEXT WEEK WE SHALL CONSULT OTHER MEMBERS OF WESTERN EUROPEAN AND OTHERS GROUP AND REPORT, BOTH TO DEPARTMENT AND TO ROSENNE, THE LIKELY VOTE COUNT. IF IT IS AS UNFAVORABLE TO ISRAEL AS WE EXPECT, PERHAPS DEPARTMENT AND EMBASSY TEL AVIV COULD IMPRESS ON GOI THE FUTILITY OF THIS EFFORT AND THE UNFORTUNATE EFFECTS IT COULD HAVE. SORENSEN UNQUOTE CHRISTOPHER

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